

In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No. 8203 of 2007

Date of Decision: 28.5.2007

Shankar Singh.

...Petitioner.

Versus

Sri Guru Ram Das Institute of Medical Sciences & Research, Amritsar and
Others.

...Respondents.

**CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE RAJESH BINDAL**

Present: Ms.Vanita Sapra Kataria, Advocate
for the petitioner.

JUDGMENT

M.M.KUMAR, J.

The instant petition under Article 226 of the Constitution prays for issuance of writ in the nature of mandamus directing the respondents to grant revised pay scale from the date of its enforcement, annual increments, w.e.f. 1.4.2001 as permissible under the Service Rules, special increments, enhanced dearness allowance as granted to other employees under the policy decision in favour of the petitioner from the date of its enforcement.

In this respect, the petitioner has served a legal notice dated

4.7.2006 (Annexure P9) upon respondents No.1 & 3 but the same is stated to be pending consideration.

We have heard the learned counsel for the petitioner at some length and perused the paper book.

Before disposing of this writ petition we would refer to the views of Hon'ble the Supreme Court in the case of **Salem Advocate Bar Association v. Union of India, (2005) 6 SCC 344**. In paras 38 and 39 of the judgment it has been required that whenever notice under Section 80 C.P.C. or under any similar provision are sent then it is mandatory on the part of State or Central Government or other authorities to send reply to such notice. It is well settled that before seeking a direction or a writ of mandamus, a demand justice notice is required to be served on the respondents as has been done in the present case. The petitioner had sent a legal notice dated 4.7.2006 (Annexure P9), to which no reply is stated to have been received. It has also been observed by Hon'ble the Supreme Court that in cases where such like notice has not been replied then cost is required to be imposed. Therefore, without going into the merits of the case, we dispose of the writ petition at this stage with a direction to the respondents No.1 & 3 to take a decision on the legal notice dated 4.7.2006 (Annexure P9) by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order.

Petition stands disposed of in the above terms.

(M.M.KUMAR)
Judge

May 28, 2007
dkb

(RAJESH BINDAL)
Judge